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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,779	10/27/2000	Peter Michael Gits	2705-137	7155
20575	7590	08/19/2004	EXAMINER	
MARGER JOHNSON & MCCOLLOM PC 1030 SW MORRISON STREET PORTLAND, OR 97205			BATES, KEVIN T	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/698,779	<b>Applicant(s)</b> GITS ET AL.	
	<b>Examiner</b> Kevin Bates	<b>Art Unit</b> 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6-14-2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This Office Action is in response to a communication made on June 14, 2004.

The Information Disclosure Statement was received on June 14, 2004.

Claims 1-44 are pending in this application.

### ***Response to Amendment***

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

**Claims 1, 12, and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Zothner (6751657).**

Regarding claims 1 and 40, Zothner discloses a message-processing agent (Column 3, lines 2 – 3) operable in a Scalable Infrastructure system (Column 5, lines 8 - 12), the message-processing agent comprising: a receiver designed to receive an object from a persistent store called a Space, the Space part of the Scalable Infrastructure system (Column 10, lines 15 – 21; Column 7, lines 10 – 15); a default routing identifying a destination for the object (Column 3, lines 11 – 19); and a routing module designed to route the object to the destination (Column 11, lines 27 – 36).

Regarding claim 12, Zothner discloses that the message-processing agent further comprising a registration entry for a user (Column 9, line 21).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2-7, 11, 13-20, 22, 23-29, 31-38, and 41-43 are rejected under 35**

**U.S.C. 103(a) as being unpatentable over Zothner in view of Wolff (5327486).**

Regarding claims 2 and 41, Zothner discloses a user preference setting (Column 3, lines 10 – 11) but does not explicitly indicate a second destination for the object. Wolff teaches a messaging system, which includes a personal preferences setting (Column 3, lines 51 – 55) that indicates a second destination for the object (Column 3, lines 64 – 66). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Wolff's teaching of using a personal profile to find a secondary destination in Zothner's messaging system in order to help notification messages locate the individual they are destined for and to allow the user to deal with the message appropriately (Column 2, lines 15 – 21 and Column 1, lines 47 – 55).

Regarding claim 3, as part of Zothner's messaging system combined with Wolff's teaching, Wolff discloses that the second destination can be identical to the destination because if the caller is always attempting to get to the telephone of the user and the first destination after consulting the user's preferences is usually the normal wireline phone (Column 3, lines 61 – 68).

Regarding claim 4, as part of Zothner's messaging system combined with Wolff's teaching, Wolff discloses that the second destination can be different from the destination (Column 3, lines 64 – 66).

Regarding claims 5 and 42, as part of Zothner's messaging system combined with Wolff's teaching, Wolff discloses that the user preference setting includes a plurality of distinct destinations for the object (Column 4, line 54 – Column 5, line 6).

Regarding claim 6, as part of Zothner's messaging system combined with Wolff's teaching, Wolff discloses that the message-processing agent is designed to route the object sequentially to each distinct destination for the object until the object is received at a first destination (Column 2, lines 5 – 14).

Regarding claims 7 and 43, as part of Zothner's messaging system combined with Wolff's teaching, Wolff discloses that the message-processing agent is designed to place a second object in the space for a sequence agent to sequentially route the object to each distinct destination for the object until the object is received at the first destination (Column 2, lines 5 – 14).

Regarding claim 10, as part of Zothner's messaging system combined with Wolff's teaching, Wolff discloses that the second destination includes routing instructions based on the source of the object (Column 2, lines 6 – 9).

Regarding claim 11, as part of Zothner's messaging system combined with Wolff's teaching, Wolff discloses that the first destination includes a telephone (Column 3, line 66 – 68).

Regarding claims 13, 22, and 31, as part of Zothner's messaging system combined with Wolff's teaching, Zothner in view of Wolff discloses a method for using a message-processing agent to process an object (Zothner, Column 3, lines 2 – 3) in a persistent store called a Space, the Space part a Scalable Infrastructure system (Column 5, lines 8 – 12; Column 7, lines 10 – 15), the method comprising: retrieving an object from the Space by a Smart Secretary (Zothner, Column 10, lines 15 – 21); accessing a preference setting (Zothner, Column 10, line 23); and routing the object by the Smart Secretary according to the preference setting (Wolff, Column 3, lines 64 – 66).

Regarding claims 14, 23, and 32, as part of Zothner's messaging system combined with Wolff's teaching, Zothner discloses retrieving an object includes receiving notice of the object from the Space in the Scalable Infrastructure system (Column 10, lines 15 – 19).

Regarding claims 15, 24, and 33, as part of Zothner's messaging system combined with Wolff's teaching, Zothner discloses that accessing a preference setting includes selecting a preference setting according to an ultimate recipient of the object (Column 9, line 55 - 57).

Regarding claims 16, 25, and 34, as part of Zothner's messaging system combined with Wolff's teaching, Zothner discloses that selecting a preference setting includes selecting a user preference setting according to the ultimate recipient if the user preference setting exists (Column 14, lines 45 – 48).

Regarding claims 17, 26, and 35, as part of Zothner's messaging system combined with Wolff's teaching, Zothner discloses that selecting a user preference setting includes checking to see if the ultimate recipient of the object is registered with the Scalable Infrastructure system (Column 11, lines 45 – 57; lines 58 – 64).

Regarding claims 18, 27, and 36, as part of Zothner's messaging system combined with Wolff's teaching, Zothner discloses that selecting a preference setting includes selecting a default routing according to the ultimate recipient if no user preference setting exists (Zothner, Column 14, lines 1 – 12).

Regarding claim 19, 28, and 37, as part of Zothner's messaging system combined with Wolff's teaching, Zothner discloses that routing the object includes sending the object to a destination (Column 14, lines 45 – 48).

Regarding claims 20, 29, and 38, as part of Zothner's messaging system combined with Wolff's teaching, Zothner in view of Wolff discloses that routing the object includes: determining at least two destinations for the object (Column 13, lines 35 – 40, Zothner); and placing a sequence object in the Space in the Scalable Infrastructure system (Column 12, lines 62 – 63; Column 13, lines 35 – 40, Zothner) for a sequence agent to sequentially route the object to each destination for the object until the object is received (Column 2, lines 5 – 14, Wolff).

**Claims 8, 9, 21, 30, 39, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zothner in view of Wolff as applied to claims 2-7, 11, 13-20, 22, 23-29, 31-38, and 41-43 above, and further in view of Wagner (6,092,102).**

Regarding claims 8 and 44, Zothner in view of Wolff does not explicitly mention that the message-processing agent is designed to broadcast the object to each distinct destination for the object until the object is received at a first destination. Wagner teaches a messaging system and a message-processing agent (Column 6, lines 10 – 15) that designed to broadcast the object to each distinct destination (Column 6, lines 39 – 47) for the object until the object is received at a first destination (Column 14, lines 39 – 46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Wagner's teaching of message broadcasting on Zothner's messaging system to be able to notify a user at important event across many communication mediums (Column 3, lines 32 – 35).

Regarding claim 9, Zothner in view of Wolff in further view of Wagner includes the message-processing agent is designed to place a second object (Column 4, line 1 – 5, Wagner) in the Space (Column 12, lines 62 – 63; Column 13, lines 35 – 40, Zothner) for a broadcast agent to broadcast the object to each distinct destination for the object (Column 6, lines 39 – 47, Wagner) until the object is received at the first destination (Column 3, lines 32 – 35, Wagner).

Regarding claims 21, 30, and 39, Zothner in view of Wolff in further view of Wagner includes: determining at least two destinations for the object (Column 13, lines 35 – 40, Zothner); and placing a broadcast object in the Space (Column 12, lines 62 – 63; Column 13, lines 35 – 40, Zothner) in the Scalable Infrastructure system for a broadcast agent to broadcast the object to each destination for the object (Column 6, lines 39 – 47, Wagner) until the object is received (Column 3, lines 32 – 35, Wagner).



***Response to Arguments***

Applicant's arguments with respect to claims 1-44 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (703) 605-0633. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

KB  
August 13, 2004

  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER

